

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Jamaal Lloyd and Anastasia Jenkins, individually and on behalf of all others similarly situated, and on behalf of the W BBQ Holdings, Inc. Employee Stock Ownership Plan,

Plaintiffs,  
v.

Argent Trust Company, Herbert Wetanson, Gregor Wetanson, and Stuart Wetanson,

Defendants.

Case No. 1:22-cv-04129-DLC

**DECLARATION OF ANASTASIA JENKINS IN OPPOSITION  
TO DEFENDANTS' MOTION TO DISMISS**

I, Anastasia Jenkins, declare and state as follows:

1. I am a participant in the W BBQ Holdings, Inc. Employee Stock Ownership Plan (“Plan”), and am one of the named Plaintiffs in the above-captioned action. I submit this Declaration in opposition to Defendants’ Motion to Compel Arbitration.<sup>1</sup>
2. During my tenure at W BBQ (from 2012 to 2018), I never received a copy of a Plan document or Plan amendment that included an arbitration provision. Nor did I receive a summary plan description or any other document that referenced an arbitration provision relating to the Plan.
3. The arbitration provision that Defendants submitted with their motion papers indicates that it is effective January 1, 2019, *after* I had already left employment with W BBQ. I never received a copy of this arbitration provision while at W BBQ or at any time before I became involved in this action.

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<sup>1</sup> I rest on the pleadings with respect to Defendants’ motion, in the alternative, to dismiss the lawsuit.

4. Prior to my involvement in this action, I was never informed of any arbitration provision relating to the Plan. At no time have I ever consented to arbitrate my claims in this action on behalf of the Plan.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 10/30/2022 | 6:45 AM PDT

DocuSigned by:  
  
Anastasia Jenkins  
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